



General Assembly

January Session, 2001

Raised Bill No. 6802

LCO No. 3956

Referred to Committee on Program Review and Investigations

Introduced by:
(PRI)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE CONCERNING FACTORS IMPACTING PRISON
OVERCROWDING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) It shall be the mission of the community
2 corrections policy of the state to assist the court and the Board of
3 Parole in assessing offenders' suitability for community placement
4 and, upon placement of offenders in the community, to enforce the
5 court-ordered sanctions, protect public safety, assist in the
6 rehabilitation of offenders and support the rights of victims.

7 Sec. 2. Section 2-24 of the general statutes is repealed and the
8 following is substituted in lieu thereof:

9 The words "State of Connecticut" shall be printed at the head of each
10 bill and document printed by order of the General Assembly, or either
11 house thereof, and on its title page or cover, if any. Before printed or
12 photographic copies of an original bill are made, the bill shall be
13 endorsed with (1) the date of its introduction; (2) its number; (3) the
14 name of the member or committee introducing it; and (4) the name of

15 the committee to which it was referred. Copies of bills or resolutions
16 printed after favorable report by a committee or reprinted after
17 amendment on the third reading, i.e., files, shall bear the file number of
18 such bill or resolution, placed conspicuously at the head of the same,
19 which file number shall be assigned by the printer in the order printed,
20 the number and title of the bill, the name of the committee to which it
21 was referred, the date and nature of the committee's report, and, in any
22 case where the bill, if passed, would require the expenditure of state or
23 municipal funds or affect state or municipal revenue, a fiscal note,
24 including an estimate of the cost or of the revenue impact shall be
25 appended thereto and, in any case where the bill, if passed, would
26 affect the prosecution of criminal offenses, the length of terms of
27 imprisonment, the computation of time served or the number of
28 offenders incarcerated, paroled, placed on probation or sentenced to
29 any other alternative sentencing option or sanction, a prison impact
30 statement shall be appended thereto evaluating how the bill would
31 impact the population of offenders being supervised in correctional
32 facilities and in the community. When a bill or resolution is
33 accompanied with a report of a committee, other than a
34 recommendation that it ought or ought not to pass, it shall then have
35 an additional endorsement, as follows: "Accompanied by special
36 report, No.-". Bills shall be designated in the printed calendar of each
37 house by their file numbers, as well as by the titles and numbers of the
38 bills.

39 Sec. 3. Subsections (b) and (c) of section 2-71c of the general statutes
40 are repealed and the following is substituted in lieu thereof:

41 (b) The legislative Office of Legislative Research shall assist the
42 General Assembly and the Legislative Department, legislative
43 commissions and legislative committees in a research and advisory
44 capacity as follows: (1) [Assist] Assisting in the development of
45 legislative programs; (2) analyzing the long-range implications of the
46 several alternative programs; (3) preparing abstracts, summaries,
47 explanations of state executive agency and federal government reports;

48 (4) informing the legislative leaders of action taken by the federal
49 government with regard to problems of their particular concern and
50 federal law; (5) assisting in the research and writing of interim reports;
51 (6) preparing bill analyses and summaries; (7) preparing prison impact
52 statements, as required by section 2-24, as amended by this act; (8)
53 assisting in hearings by preparing agendas, contacting potential
54 witnesses, scheduling their appearances and analyzing testimonies;
55 and [(8)] (9) performing such other research and analysis services as
56 may be determined by the Joint Committee on Legislative
57 Management.

58 (c) The legislative Office of Fiscal Analysis shall assist the General
59 Assembly and the Legislative Department, legislative commissions
60 and legislative committees in a research and advisory capacity as
61 follows: (1) Reviewing department and program operating budget
62 requests; (2) analyzing and helping to establish priorities with regard
63 to capital programs; (3) checking executive revenue estimates for
64 accuracy; (4) recommending potential untapped sources of revenue; (5)
65 assisting in legislative hearings and helping to schedule and prepare
66 the agenda of such hearings; (6) assisting in the development of means
67 by which budgeted programs can be periodically reviewed; (7)
68 preparing short analyses of the costs and long-range projections of
69 executive programs and proposed agency regulations; (8) keeping
70 track of federal aid programs to make sure that Connecticut is taking
71 full advantage of opportunities for assistance; (9) reviewing, on a
72 continuous basis, departmental budgets and programs; (10) analyzing
73 and preparing critiques of the Governor's proposed budget; (11)
74 studying, in depth, selected executive programs during the interim;
75 (12) performing such other services in the field of finance as may be
76 requested by the Joint Committee on Legislative Management; (13)
77 preparing the fiscal notes, required under section 2-24, upon favorably
78 reported bills which require expenditure of state or municipal funds or
79 affect state or municipal revenue; (14) preparing prison impact
80 statements, as required by section 2-24, as amended by this act; and
81 [(14)] (15) preparing at the end of each fiscal year a compilation of all

82 fiscal notes on legislation and agency regulations taking effect in the
83 next fiscal year, including the total costs, savings and revenue effects
84 estimated in such notes. The governing body of any municipality, if
85 requested, shall provide the Office of Fiscal Analysis, within two
86 working days, with any information that may be necessary for analysis
87 in preparation of such fiscal notes. Each officer, board, commission or
88 department of the state government shall assist the Office of Fiscal
89 Analysis in carrying out its duties and, if requested, shall make its
90 records and accounts available to the office in a timely manner, except
91 that where there are statutory requirements of confidentiality with
92 regard to such records and accounts, the identity of any person to
93 whom such records or accounts relate shall not be disclosed.

94 Sec. 4. (NEW) (a) There is established a Justice Planning Division
95 within the Office of Policy and Management. The division shall
96 provide interagency leadership and coordination of criminal justice
97 agencies and evaluate and develop criminal justice policy based on a
98 comprehensive analysis of data and information.

99 (b) The Justice Planning Division of the Office of Policy and
100 Management shall, not later than January 1, 2002, and annually
101 thereafter, conduct a system-wide study of recidivism of offenders and
102 report its findings to the General Assembly and the judicial branch.
103 Such study shall:

104 (1) Define recidivism to include, but not be limited to, (A) new
105 offenses committed by persons not in custody or under the supervision
106 of the criminal justice system who have a prior criminal conviction as
107 an adult or juvenile, and (B) offenses committed by offenders while
108 under the supervision of the criminal justice system;

109 (2) Track rates of recidivism;

110 (3) Identify the point in the criminal justice system at which
111 offenders recidivate;

112 (4) Identify the types of offenses committed;

113 (5) Determine programs and services provided prior to or at the
114 time the offender recidivates;

115 (6) Examine the dispositions of offenses; and

116 (7) Evaluate institutional and community-based programs and
117 services provided to offenders to determine their efficacy in reducing
118 recidivism.

119 Sec. 5. Section 18-87j of the general statutes is repealed and the
120 following is substituted in lieu thereof:

121 (a) There is established a Commission on Prison and Jail
122 Overcrowding which shall be within the Office of Policy and
123 Management for administrative purposes only. Said commission shall
124 consist of the Chief Court Administrator or [his] the Chief Court
125 Administrator's designee, the Commissioner of Correction, the
126 chairperson of the Board of Parole, the Commissioner of Public Safety,
127 the Chief State's Attorney or [his] the Chief State's Attorney's designee,
128 the Chief Public Defender or [his] the Chief Public Defender's
129 designee, [and] the Chief Bail Commissioner or other designee of the
130 Chief Court Administrator, the director of the Justice Planning
131 Division of the Office of Policy and Management and [the Governor
132 shall appoint the following members] eight members appointed by the
133 Governor as follows: Three government officials, a police chief, two
134 persons representing offender and victim services within the private
135 community and two public members. [The Governor shall appoint a
136 chairperson from among the members of the commission.] The
137 director of the Justice Planning Division of the Office of Policy and
138 Management shall serve as chairperson of the commission. The
139 commission shall meet at [such times as it deems necessary] least
140 quarterly each year.

141 (b) There is established a Community Corrections Subcommittee to

142 the Commission on Prison and Jail Overcrowding. The subcommittee
143 shall: (1) Make recommendations to develop and implement
144 community-based sentencing and sanction options; (2) coordinate the
145 efforts of all criminal justice agencies in accordance with such
146 recommended sentencing policy; (3) examine the impact of laws and
147 policies on community-based sentencing and sanction options; (4)
148 examine the impact of community-based sentencing and sanction
149 options on prison and jail overcrowding; (5) assist the commission in
150 the preparation of the annual comprehensive state criminal justice plan
151 for preventing prison and jail overcrowding that includes pretrial and
152 post-sentencing options that minimize the number of offenders in
153 prisons and jails; (6) coordinate community-based sentencing and
154 sanction options with state mental health and substance abuse plans;
155 (7) develop strategies to assist in the siting of community-based
156 programs and services; (8) research and analyze data with respect to
157 the impact of community correction efforts on reducing crime and
158 recidivism and the resulting impact on prison and jail overcrowding;
159 and (9) submit an annual plan for community-based sentencing and
160 sanction options, with recommendations, to the commission for
161 inclusion in the commission's annual comprehensive state criminal
162 justice plan for preventing prison and jail overcrowding.

163 (c) The subcommittee shall be comprised of the following members:
164 (1) The executive director of the Court Support Services Division of the
165 judicial branch; (2) the executive director of the Board of Parole; (3) the
166 deputy warden of the Division of Community Enforcement of the
167 Department of Correction; (4) the director of the Community Forensic
168 Services Division of the Department of Mental Health and Addiction
169 Services; (5) two representatives from a community policing program
170 appointed by the Governor, one from an urban police department and
171 one from a suburban police department; (6) two representatives from
172 the Connecticut Conference of Municipalities appointed by the
173 Governor, one from an urban area and one from a suburban area; (7) a
174 superior court judge assigned to a judicial district courthouse
175 appointed by the Chief Court Administrator; (8) a superior court judge

176 assigned to a geographical area courthouse or to a drug court,
177 community court or family violence court session, appointed by the
178 Chief Court Administrator; (9) a state's attorney or assistant state's
179 attorney appointed by the Chief State's Attorney; (10) a public
180 defender or assistant public defender appointed by the Chief Public
181 Defender; (11) the Victim Advocate; (12) four representatives from
182 community-based service providers appointed by the Governor, one of
183 whom shall be a representative from a residential substance abuse
184 treatment program, one of whom shall be a representative from an
185 outpatient substance abuse treatment program, one of whom shall be a
186 representative from a residential program providing services other
187 than substance abuse treatment including, but not limited to, shelter,
188 mental health and work release services, and one of whom shall be a
189 representative from a nonresidential program providing services other
190 than substance abuse treatment including, but not limited to, shelter,
191 mental health and work release services; and (13) the director of the
192 Connecticut Justice Education Center.

193 (d) The subcommittee shall meet at least quarterly each year. The
194 Office of Policy and Management shall provide staff for the
195 subcommittee.

196 Sec. 6. Section 54-91a of the general statutes is amended by adding
197 subsection (e) as follows:

198 (NEW) (e) As part of any presentence investigation required by this
199 section or requested by the court, the probation officer shall prepare a
200 sentencing worksheet to be presented to the court prior to the
201 imposition of sentence. The worksheet shall provide the court and the
202 defendant, based on the potential sentence or sentences to be imposed,
203 with information concerning the consequences of such sentence or
204 sentences including, but not limited to, an estimate of the period of
205 incarceration that the defendant may be required to serve, the date
206 when the defendant may become eligible for parole, the period of
207 probation and the period of special parole, as appropriate. The

208 worksheet shall be a guideline based on applicable sentencing laws,
209 regulations and policies and shall not constitute an agreement or
210 guarantee that a defendant will in fact be eligible for any release prior
211 to the scheduled termination date of such defendant's sentence, any
212 reduction in the length of such defendant's sentence or any
213 participation in any program.

214 Sec. 7. (NEW) (a) The judicial branch shall establish a sentencing
215 team at all criminal court locations. Each sentencing team shall be
216 comprised of a superior court judge, a state's attorney or assistant
217 state's attorney, a public defender or assistant public defender, a bail
218 commissioner, a probation officer, a person employed by the judicial
219 branch to monitor criminal sanctions, a representative of the
220 Department of Correction and a parole officer from the hearings
221 division of the Board of Parole.

222 (b) The objectives of the sentencing team are to:

223 (1) Maximize the use of graduated sanctions for pretrial and
224 sentenced offenders;

225 (2) Increase criminal justice agencies' awareness of, investment in
226 and commitment to a community corrections strategy through the
227 development of a collaborative planning and resource allocation
228 process;

229 (3) Enhance efficiency and effectiveness of criminal sentencing by
230 improving the organizational capacity of the criminal justice system;
231 and

232 (4) Increase victim and public awareness of the safety and
233 rehabilitative value of community corrections.

234 Sec. 8. Subsection (b) of section 53a-28 of the general statutes is
235 repealed and the following is substituted in lieu thereof:

236 (b) Except as provided in section 53a-46a, when a person is

237 convicted of an offense, the court shall impose one of the following
 238 sentences: (1) A term of imprisonment; or (2) a sentence authorized by
 239 section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and
 240 a fine; or (5) a term of imprisonment, with the execution of such
 241 sentence of imprisonment suspended [.] entirely, [or after a period set
 242 by the court,] and a period of probation or a period of conditional
 243 discharge; or (6) a term of imprisonment, with the execution of such
 244 sentence of imprisonment suspended [.] entirely, [or after a period set
 245 by the court,] and a fine and a period of probation or a period of
 246 conditional discharge; or (7) a term of imprisonment, with the
 247 execution of such sentence of imprisonment suspended after a period
 248 set by the court of not more than one year, and a period of probation or
 249 a period of conditional discharge; or (8) a term of imprisonment, with
 250 the execution of such sentence of imprisonment suspended after a
 251 period set by the court of not more than one year, and a fine and a
 252 period of probation or a period of conditional discharge; or [(7)] (9) a
 253 fine and a sentence authorized by section 18-65a or 18-73; or [(8)] (10) a
 254 sentence of unconditional discharge; or [(9)] (11) a term of
 255 imprisonment and a period of special parole as provided in section 54-
 256 125e, as amended by this act; or (12) a term of imprisonment, with the
 257 execution of such sentence of imprisonment suspended after a period
 258 set by the court of more than one year, and a period of special parole
 259 as provided in section 54-125e, as amended by this act; or (13) a term of
 260 imprisonment, with the execution of such sentence of imprisonment
 261 suspended after a period set by the court of more than one year, and a
 262 fine and a period of special parole as provided in section 54-125e, as
 263 amended by this act.

264 Sec. 9. (NEW) When imposing a sentence of a period of special
 265 parole in accordance with subdivision (11) or (12) of subsection (b) of
 266 section 53a-28 of the general statutes, as amended by this act, the court
 267 shall establish the conditions of a defendant's release on special parole
 268 and may, as a condition of the sentence, order the defendant to: (1)
 269 Work faithfully at a suitable employment or faithfully pursue a course
 270 of study or of vocational training that will equip the defendant for

271 suitable employment; (2) undergo medical or psychiatric treatment
 272 and remain in a specified institution, when required for that purpose;
 273 (3) support the defendant's dependents and meet other family
 274 obligations; (4) make restitution of the fruits of the defendant's offense
 275 or make restitution, in an amount the defendant can afford to pay or
 276 provide in a suitable manner, for the loss or damage caused thereby
 277 and the court may fix the amount thereof and the manner of
 278 performance; (5) refrain from violating any criminal law of the United
 279 States, this state or any other state; (6) reside in a residential
 280 community center or halfway house approved by the chairperson of
 281 the Board of Parole, and contribute to the cost incident to such
 282 residence; (7) participate in a program of community service in
 283 accordance with section 51-181c of the general statutes; (8) if convicted
 284 of a violation of subdivision (2) of subsection (a) of section 53-21,
 285 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b of the
 286 general statutes, undergo specialized sexual offender treatment; and
 287 (9) satisfy any other conditions reasonably related to the defendant's
 288 rehabilitation. The court shall cause a copy of any such order to be
 289 delivered to the defendant and to the Board of Parole.

290 Sec. 10. Section 54-125e of the general statutes is repealed and the
 291 following is substituted in lieu thereof:

292 (a) Any person convicted of a crime committed on or after October
 293 1, 1998, who received a definite sentence of more than two years
 294 followed by a period of special parole, and any person convicted of a
 295 crime committed on or after October 1, 2001, who received a definite
 296 sentence with an unsuspended portion of more than one year followed
 297 by a period of special parole, shall, at the expiration of the maximum
 298 term or terms of imprisonment imposed by the court, be automatically
 299 transferred from the custody of the Commissioner of Correction to the
 300 jurisdiction of the [chairman] chairperson of the Board of Parole or, if
 301 such person has previously been released on parole pursuant to
 302 subsection (a) of section 54-125a or section 54-131a, remain under the
 303 jurisdiction of said [chairman] chairperson until the expiration of the

304 period of special parole imposed by the court.

305 (b) Any person sentenced to a period of special parole shall be
306 subject to such rules and conditions as may be established by the
307 Board of Parole or its [chairman] chairperson pursuant to section
308 54-126.

309 (c) The Board of Parole shall monitor and enforce compliance by a
310 person sentenced to a period of special parole with the conditions
311 ordered by the court pursuant to section 9 of this act. The board may
312 require the person to comply with any or all conditions which the
313 court could have imposed under said section which are not
314 inconsistent with any condition actually imposed by the court. The
315 board may, without a court hearing, modify, delete or add any
316 condition necessary to comply with the order of the court or for the
317 supervision of such person.

318 (d) The Board of Parole may, after a hearing, revoke special parole.
319 The board may revoke special parole if it finds that the parolee has
320 committed a criminal offense or violated a condition of special parole
321 imposed by the court or the board. If the board has revoked special
322 parole for a parolee, it may issue a mittimus for the commitment of
323 such parolee to the custody of the Commissioner of Correction.

324 (e) Whenever special parole has been revoked for a parolee, the
325 board may, at any time during the unexpired portion of the period of
326 special parole, allow the parolee to be released again on special parole
327 without court order.

328 ~~[(c)]~~ (f) The period of special parole shall be not less than one year
329 nor more than ten years except that such period may be for more than
330 ten years for a person convicted of a violation of subdivision (2) of
331 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
332 53a-72a or 53a-72b or sentenced as a persistent dangerous felony
333 offender pursuant to subsection (h) of section 53a-40 or as a persistent
334 serious felony offender pursuant to subsection (j) of section 53a-40.

335 Sec. 11. Section 54-128 of the general statutes is repealed and the
336 following is substituted in lieu thereof:

337 (a) Any paroled convict or inmate who has been returned to the
338 custody of the Commissioner of Correction or any institution of the
339 Department of Correction for violation of [his] such person's parole
340 may be retained in the institution from which [he] such person was
341 paroled for a period equal to the unexpired portion of the term of [his]
342 such person's sentence at the date of the request or order for [his] such
343 person's return less any commutation or diminution of [his] such
344 person's sentence earned except that the Board of Parole may, in its
345 discretion, determine that [he] such person shall forfeit any or all of
346 such earned time, or may be again paroled by said board.

347 (b) Each parolee or inmate, subject to the provisions of section 18-7,
348 shall be subject to loss of all or any portion of time earned.

349 (c) Any person who, during the service of a period of special parole
350 imposed in accordance with subdivision [(9)] (11), (12) or (13) of
351 section 53a-28, as amended by this act, has been returned to the
352 custody of the Commissioner of Correction or any institution of the
353 Department of Correction for violation of [his] such person's parole,
354 may be retained in the institution from which [he] such person was
355 paroled for a period equal to the unexpired portion of the period of
356 special parole. The total length of the term of incarceration and term of
357 special parole combined shall not exceed the maximum sentence of
358 incarceration authorized for the offense for which the person was
359 convicted.

360 Sec. 12. Section 54-97 of the general statutes is repealed and the
361 following is substituted in lieu thereof:

362 No person may be committed to [the Connecticut Correctional
363 Institution, Somers,] a correctional institution or a community
364 correctional center without a mittimus signed by the judge or clerk of
365 the court which committed [him] such person or, with respect to a

366 person sentenced to a period of special parole, signed by the
367 chairperson of the Board of Parole, declaring the cause of commitment
368 and requiring the warden or community correctional center
369 administrator to receive and keep [him] such person in the
370 [Correctional Institution, Somers,] correctional institution or the
371 community correctional center, as the case may be, for the period fixed
372 by the judgment of said court or said board or until [he] such person is
373 legally discharged; and such mittimus shall be sufficient authority to
374 the officer to commit such person, and to the warden or community
375 correctional center administrator to receive and hold [him] such person
376 in custody, except that any community correctional center may receive
377 any person as provided in section 7-135 without such mittimus.

378 Sec. 13. Section 54-125a of the general statutes is repealed and the
379 following is substituted in lieu thereof:

380 (a) A person convicted of one or more crimes who is incarcerated on
381 or after October 1, 1990, who received a definite sentence or aggregate
382 sentence of more than two years, and who has been confined under
383 such sentence or sentences for not less than one-half of the aggregate
384 sentence or one-half of the most recent sentence imposed by the court,
385 whichever is greater, may be allowed to go at large on parole in the
386 discretion of the panel of the Board of Parole for the institution in
387 which the person is confined, if, except as provided in subsections (d)
388 and (e) of this section, (1) it appears from all available information,
389 including any reports from the Commissioner of Correction that the
390 panel may require, that there is reasonable probability that such
391 inmate will live and remain at liberty without violating the law, and
392 (2) such release is not incompatible with the welfare of society. At the
393 discretion of the panel, and under the terms and conditions as may be
394 prescribed by the panel including requiring the parolee to submit
395 personal reports, the parolee shall be allowed to return to [his] the
396 parolee's home or to reside in a residential community center, or to go
397 elsewhere. The parolee shall, while on parole, remain in the legal
398 custody and control of the board until the expiration of the maximum

399 term or terms for which [he] the parolee was sentenced. Any parolee
400 released on the condition that [he] the parolee reside in a residential
401 community center may be required to contribute to the cost incidental
402 to such residence. Each order of parole shall fix the limits of the
403 parolee's residence, which may be changed in the discretion of such
404 panel. Within three weeks after the commitment of each person
405 sentenced to more than one year, the state's attorney for the judicial
406 district shall send to the Board of Parole the record, if any, of such
407 person.

408 (b) (1) No person convicted of any of the following offenses, which
409 was committed on or after July 1, 1981, shall be eligible for parole
410 under subsection (a) of this section: Capital felony, as defined in
411 section 53a-54b, felony murder, as defined in section 53a-54c, arson
412 murder, as defined in section 53a-54d, murder, as defined in section
413 53a-54a, or any offense committed with a firearm, as defined in section
414 53a-3, in or on, or within one thousand five hundred feet of, the real
415 property comprising a public or private elementary or secondary
416 school. (2) A person convicted of an offense, other than an offense
417 specified in subdivision (1) of this subsection, where the underlying
418 facts and circumstances of the offense involve the use, attempted use
419 or threatened use of physical force against another person shall be
420 ineligible for parole under subsection (a) of this section until such
421 person has served not less than eighty-five per cent of the definite
422 sentence imposed.

423 (c) The Board of Parole shall, not later than July 1, 1996, adopt
424 regulations in accordance with chapter 54 to ensure that a person
425 convicted of an offense described in subdivision (2) of subsection (b) of
426 this section is not released on parole until such person has served
427 eighty-five per cent of the definite sentence imposed by the court. Such
428 regulations shall include guidelines and procedures for classifying a
429 person as a violent offender that are not limited to a consideration of
430 the elements of the offense or offenses for which such person was
431 convicted.

432 (d) The Board of Parole shall reassess the suitability for parole
 433 release of any person whose eligibility for parole release is subject to
 434 subsection (a) of this section upon completion by such person of
 435 seventy-five per cent of such person's definite sentence. The Board of
 436 Parole may allow such person to be released on parole if (1) there is
 437 reasonable probability that such person will live and remain at liberty
 438 without violating the law, and (2) such person's release to community
 439 supervision and transition substantially outweighs any period of
 440 continued confinement. If the board determines after such
 441 reassessment that the continued confinement of such person is
 442 necessary, it shall articulate for the record the specific reasons why
 443 such person and the public would not benefit from such person
 444 receiving a period of community supervision.

445 (e) The Board of Parole shall assess the suitability for parole release
 446 of any person whose eligibility for parole release is subject to
 447 subdivision (2) of subsection (b) of this section upon completion by
 448 such person of eighty-five per cent of the definite sentence imposed.
 449 The Board of Parole may allow such person to be released on parole if
 450 (1) there is reasonable probability that such person will live and
 451 remain at liberty without violating the law, and (2) such person's
 452 release to community supervision and transition substantially
 453 outweighs any period of continued confinement. If the board
 454 determines after such assessment that the continued confinement of
 455 such person is necessary, it shall articulate for the record the specific
 456 reasons why such person and the public would not benefit from such
 457 person receiving a period of community supervision.

458 Sec. 14. Section 54-124a of the general statutes is repealed and the
 459 following is substituted in lieu thereof:

460 (a) There shall be a Board of Parole which, on and after July 1, [1998]
 461 2001, shall consist of [~~fifteen~~] three members [, including a chairman
 462 and two vice-chairmen who shall be] appointed by the Governor with
 463 the advice and consent of either house of the General Assembly. [The

464 chairman and vice-chairmen shall be qualified by training, experience
465 or education in law, criminal justice, parole matters or other related
466 fields for the consideration of the matters before them and the other
467 members shall be qualified by training and experience for the
468 consideration of matters before them.] In the appointment of the
469 members, the Governor shall endeavor to reflect the racial diversity of
470 the state. The Governor shall appoint a chairperson from among the
471 membership. The chairperson of the board shall be qualified by
472 education, experience and training in the administration of community
473 corrections, probation or parole; one member of the board shall be
474 qualified by education, experience and training in the administration
475 of substance abuse and mental health treatment services and one
476 member of the board shall be qualified by education, experience and
477 training in the law.

478 (b) The term of each appointed member of the board serving on
479 June 30, 2001, shall expire on said date. The term of [the chairman and
480 the term of each vice-chairman] each member of the board beginning
481 on or after July 1, 2001, shall be coterminous with the term of the
482 Governor or until a successor is chosen, whichever is later. [The terms
483 of all members, except the chairman, shall expire on July 1, 1994, and
484 on or after July 1, 1994, members shall be appointed in accordance with
485 subsection (a) of this section as follows: Six members shall be
486 appointed for a term of two years; and six members shall be appointed
487 for a term of four years. Thereafter, all members shall serve for terms
488 of four years.] Any vacancy in the membership of the board shall be
489 filled for the unexpired portion of the term by the Governor.

490 (c) The [chairman and vice-chairmen] members of the board shall
491 devote their entire time to the performance of their duties hereunder
492 and shall be compensated therefor in such amount as the
493 Commissioner of Administrative Services determines, subject to the
494 provisions of section 4-40. [The other members of said board shall
495 receive one hundred ten dollars for each day spent in the performance
496 of their duties and shall be reimbursed for necessary expenses incurred

497 in the performance of such duties. The chairman or, in his absence or
498 inability to act, a member designated by him to serve temporarily as
499 chairman, shall be present at all meetings of said board and participate
500 in all decisions thereof.]

501 (d) [Said chairman] The chairperson shall be the executive and
502 administrative head of said board and shall have the authority and
503 responsibility for (1) [directing and supervising] overseeing all
504 administrative affairs of the board, [(2) preparing the budget and
505 annual operation plan in consultation with the board, (3) assigning
506 staff to parole panels, regions and supervision offices, (4) organizing
507 parole hearing calendars to facilitate the timely and efficient
508 processing of cases, (5) implementing a uniform case filing and
509 processing system, (6)] (2) establishing policy in all areas of parole
510 including, but not limited to, decision making, release criteria and
511 supervision standards, [(7) establishing specialized parole units as
512 deemed necessary, (8) entering into contracts, in consultation with the
513 board, with service providers, community programs and consultants
514 for the proper function of parole and community supervision, (9)
515 creating programs for staff and board member development, training
516 and education, (10) establishing, developing and maintaining
517 noninstitutional, community-based service programs, (11)] (3)
518 consulting with the Department of Correction on shared issues
519 including, but not limited to, prison overcrowding, (4) consulting with
520 the judicial branch on shared issues of community supervision, (5)
521 placing in a community-based residential program any inmate whose
522 release on parole has been approved and who is within eighteen
523 months of the date of such release, and [(12)] (6) signing and issuing
524 subpoenas to compel the attendance and testimony of witnesses at
525 parole proceedings. Any such subpoena shall be enforceable to the
526 same extent as subpoenas issued pursuant to section 52-143.

527 [(e) The chairman shall have the authority and responsibility for
528 assigning members to panels, each to be composed of two members
529 and the chairman or a member designated to serve temporarily as

530 chairman, for each correctional institution. Such panels shall be the
531 paroling authority for the institutions to which they are assigned and
532 not less than two members shall be present at each parole hearing.]

533 (e) The members of the board shall conduct all revocation and
534 rescission hearings and approve or deny all parole releases
535 recommended after an administrative review as provided in section
536 54-125b.

537 (f) The chairperson of the board shall appoint an executive director.
538 The executive director shall appoint an assistant director for the
539 hearings division and an assistant director for the parole supervision
540 division. The executive director shall oversee the administration of the
541 agency and, at the discretion of the chairperson, shall: (1) Direct and
542 supervise all administrative affairs of the board, (2) prepare the budget
543 and annual operation plan, (3) assign staff to administrative review,
544 regions and supervision offices, (4) organize parole hearing calendars,
545 (5) implement a uniform case filing and processing system, (6)
546 establish specialized parole units, (7) establish parole officer to parolee
547 caseload ratios based on supervision levels and standards with the
548 objective that on and after July 1, 2004, the average caseload does not
549 exceed sixty-five parolees, (8) enter into contracts with service
550 providers, community programs and consultants, (9) create programs
551 for staff and board member development, training and education, and
552 (10) establish, develop and maintain noninstitutional, community-
553 based service programs.

554 (g) The chairperson and executive director shall develop policies
555 and procedures for:

556 (1) Parole revocation and rescission hearings that include
557 implementing due process requirements and creating a bifurcated
558 system with a preliminary evidentiary hearing and a formal hearing;

559 (2) A graduated sanctions system for parole violations including,
560 but not limited to, reincarceration based on the type, severity and

561 frequency of the violation and specific periods of incarceration for
562 certain types of violations; and

563 (3) A parole orientation program for all parole-eligible inmates upon
564 their transfer to the custody of the Commissioner of Correction that
565 will provide general information on the laws and policies regarding
566 parole release, calculation of time-served standards, general conditions
567 of release, supervision practices, revocation and rescission policies,
568 and procedures for administrative review and panel hearings, and any
569 other information that the board deems relevant for preparing inmates
570 for parole.

571 ~~[(f)]~~ (h) In the event of the temporary inability of any member [other
572 than the chairman] to perform his or her duties, the Governor, at the
573 request of the board, may appoint a qualified person to serve as a
574 temporary member during such period of inability.

575 ~~[(g)]~~ (i) The Board of Parole shall: (1) Adopt an annual budget and
576 plan of operation, (2) adopt such rules as deemed necessary for the
577 internal affairs of the board, (3) develop policy for and administer the
578 operation of the Interstate Parole Compact, and (4) submit an annual
579 report to the Governor and General Assembly.

580 Sec. 15. This act shall take effect July 1, 2001.

Statement of Purpose:

To adopt the recommendations of the Legislative Program Review and
Investigations Committee concerning prison overcrowding.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]